

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2002-61

February 25, 2002

CENTRAL MAINE POWER COMPANY  
Request for Approval of a Special Rate  
Contract Third Amendment to the  
Customer Service Agreement with  
Penobscot Frozen Foods

ORDER APPROVING  
CONTRACT

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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## **SUMMARY OF DECISION**

By this Order, the Commission approves Central Maine Power Company's (CMP's) proposed Third Amendment to its customer service agreement (CSA) with Penobscot Frozen Foods (Penobscot).

## **DISCUSSION AND DECISION**

On February 1, 2002, CMP filed with this Commission a proposed CSA with Penobscot. CMP requested approval pursuant to Attachment 6 of the ARP 2000.<sup>1</sup> Under Attachment 6, contracts with terms no more than one year beyond the term of the ARP, that are not anti-competitive or unduly discriminatory, that provide usage sensitive revenues in excess of the Company's usage sensitive marginal cost floors, and that overall provide revenues in excess of the Company's total marginal costs plus an adder, go into effect automatically. The overall revenues in this contract are in excess of the total marginal cost floors plus the adder. However, the usage sensitive components are not greater than the usage sensitive marginal costs. Therefore, in order to become effective, this contract requires Commission review and approval.

We have reviewed the contract and find that while it does not technically comply with the provisions of the ARP, there is no significant risk to CMP's other customers as a result of this Agreement. Therefore, we will allow the CSA to go into effect.

Accordingly, we

**O R D E R**

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<sup>1</sup> ARP 2000 was approved by Commission Order Approving Stipulation dated November 16, 2000 in Docket No. 99-666.

That the Third Amendment to the Customer Service Agreement with Penobscot Frozen Foods, filed by Central Maine Power Company on February 1, 2002, is hereby approved and may become effective as of March 3, 2002, as requested by CMP.

Dated at Augusta, Maine, this 25th day of February, 2002.

BY ORDER OF THE COMMISSION

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Raymond Robichaud  
Assistant Administrative Director

COMMISSIONERS VOTING FOR: NUGENT  
DIAMOND

COMMISSIONER ABSENT: WELCH

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.